

REMARKS

STATEMENT OF SUBSTANCE OF INTERVIEW

Pursuant to MPEP 713.04 applicant provides a statement of substance of interview.

Applicant gratefully acknowledges the courtesy of a telephonic interview with Examiner Naresh Vig on November 4, 2004 with applicant's representative, David Barman.

Examiner Vig clarified the effective date of the prior art "Newhomes.com." Examiner Vig further suggested the claims, as currently amended may overcome the cited reference, but would be properly presented in a Request for Continues Examination (RCE). This response and RCE is presented pursuant to the instruction kindly provided by Examiner Vig.

The instant Office Action has rejected claims 1-4 under 35 USC 103(a) as being unpatentable over Newhomes.com (hereinafter "NewHomes") in view of Metropolitan Regional Information Systems (hereinafter MRIS). The subject application, as now claimed, recites in claim 1: A system for electronic interaction between new home builders and real estate professionals for facilitating an exchange of selected information relating to new home sales, said system comprising: means for transmitting and receiving selected information between said new home builders and real estate professionals over the internet; and a device onto which said means is installed, wherein said selected information consists essentially of home buyer information whereby a real estate broker

transmits said selected information and privately registers a client or homebuyer with a new home builder, said system used to ensure said real estate professional receives a commission. (emphasis added).

Support for the amendment may be found in Fig. 11 depicting registration of a broker's client, paragraph [0005] of the published application (US Pat App. Pub No. 2003/0074203), and paragraph [0032] of the published application. Claim 3 has been similarly amended to recite the method "...: transmitting and receiving said selected information for new homes between the new homebuilders and real estate professionals over the internet via means installed onto a device wherein said selected information consists essentially of home buyer information whereby a real estate broker transmits said selected information and privately registers a client or homebuyer with a new home builder, said method used to ensure said real estate professional receives a commission.

Applicant asserts the present invention, as now claimed, is a system and method that allows a Real Estate broker to privately register clients with a new home builder. This registration is to prevent the home builder from dealing with a prospective home buyer directly in order to avoid paying the broker a commission (published application, paragraph [0005]).

Newhomes is deficient because it does not teach or suggest a system or method wherein the real estate broker has the opportunity to register a client with a new home builder. Newhomes is a directory and is not specific for solicitations to real estate professionals. Combination with MRIS does not cure the deficiency. MRIS is an information system providing access to information on new homes in a directory. MRIS

discloses use by a real estate professional but has no teaching or suggestion for the real estate broker having the opportunity to register a client with a new home builder.

Because there is no teaching or suggestion in Newhomes either alone, or in combination with MRIS for the system and method as now claimed, a rejection under 35 USC 103(a) cannot be properly applied. Applicant respectfully requests reconsideration and withdrawal of the rejection.

Accordingly, applicant believes the response has addressed each of the issues raised in the current Office Action and the subject application, as now claimed, is in condition for allowance. If the Examiner believes a telephonic communication would expedite prosecution of this application, invitation is extended to contact the undersigned representative who is agent of record in this case. Favorable reply is earnestly solicited.

Respectfully submitted,

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